

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK LAMAR HAIRSTON,
Plaintiff,
v.
P. DAVIS, et al.,
Defendants.

No. 1:23-cv-01186 GSA (PC)

ORDER DIRECTING CLERK OF COURT TO
DISREGARD PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AS
PREMATURELY FILED

(ECF No. 8)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff has filed a motion for summary judgment. ECF No. 8. Given the fact that Plaintiff's complaint has not yet been screened and served, the motion is premature. Therefore, the Court is unable to consider it and the Clerk of Court will be ordered to disregard it.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is ordered to DISREGARD Plaintiff's motion for summary judgment (ECF No. 8) as PREMATURELY FILED.

IT IS SO ORDERED.

Dated: August 24, 2024

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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